

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JODI ROUVIERE and  
ANDRE ROUVIERE,

*Plaintiffs,*

v.

DEPUY ORTHOPAEDICS, INC. n/k/a  
MEDICAL DEVICE BUSINESS  
SERVICES, INC. and HOWMEDICA  
OSTEONICS CORPORATION  
d/b/a STRYKER ORTHOPAEDICS,

*Defendants.*

Case No. 1:18-cv-04814-LJL-SDA

**DEPUY ORTHOPAEDICS, INC.’S MOTION  
FOR SUMMARY JUDGMENT**

Defendant DePuy Orthopaedics, Inc. n/k/a Medical Device Business Services, Inc., (“DePuy”), pursuant to Federal Rule of Civil Procedure 56, respectfully moves the Court for summary judgment on all of Plaintiffs Jodi and Andre Rouviere’s claims against DePuy. As set out in DePuy’s contemporaneously filed Brief in Support of its Motion for Summary Judgment, DePuy is entitled to judgment as a matter of law because there are no material facts in genuine dispute on any Plaintiffs’ causes of action alleged against DePuy. Pursuant to Local Rule 56.1(a), annexed to this Motion is a separate, short and concise Statement of Undisputed Material Facts. Accordingly, DePuy respectfully requests that the Court grant its Motion for Summary Judgment and enter final judgment with prejudice in favor of DePuy on all claims asserted by Plaintiffs.

Dated: October 21, 2020

Respectfully Submitted,

/s/ J.T. Larson

Joseph G. Eaton (#15731-29)

J.T. Larson (#31392-29)

Barnes & Thornburg, LLP

11 South Meridian Street  
Indianapolis, Indiana 46204  
Telephone: (317) 236-1313  
Email: joe.eaton@btlaw.com  
jt.larson@btlaw.com

James F. Murdica  
BARNES & THORNBURG LLP  
43 West 43rd Street, Suite 175  
New York, NY 10036  
(312) 357-1313  
Email: jmurdica@btlaw.com

*Attorneys for DePuy Orthopaedics, Inc. nka  
Medical Device Business Service, Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was electronically served on the following counsel of record via the Court's electronic filing system on this 21<sup>st</sup> day of October, 2020:

Andre Rouviere  
Jodi Rouviere  
4070 Laguna Street  
Coral Gables, Florida 33146

Paul E. Asfendis  
GIBBONS, P.C.  
One Pennsylvania Plaza, 37<sup>th</sup> Floor  
New York, NY 10119

/s/ J.T. Larson